



Joint Commission on Technology and Science

Children's Online Protection Advisory Committee

October 6, 2021, at 10:00 a.m.

Pocahontas Building, House Committee Room

<http://dls.virginia.gov/commission/jcots.htm>

The Joint Commission on Technology and Science (the Committee) met virtually with Senator Barbara Favola, chair, presiding.¹ The meeting began with introductions and opening remarks followed by presentations and discussion. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#).

Presentation: Legislative Overview Presentation

Hassan Abdelhalim, Staff Attorney, Division of Legislative Services

Staff members presented on legislation referred to the Committee from the 2020 session of the General Assembly. The presentation gave an overview of the Virginia Consumer Data Protection Act (VCDPA). Additionally, staff outlined three bills introduced during the 2020 session and referred to the Joint Commission on Technology and Science (JCOTS) for further study: HB 952, HB 955, and HB 956. The bills all concerned different aspects of online privacy as it relates to minors. Some of the topics of the bills center on issues addressed by the VCDPA.

Presentation: Attorney General Presentation

Samuel Towell, Deputy Attorney General, Office of Attorney General

Mr. Towell presented on issues related to the implementation of the VCDPA as it relates to protecting consumer privacy and enforcement. Enforcement issues identified by the Office of the Attorney General include the ability to cure; funding for enforcement; damages, penalties, expenses, fees; and the fact that the VCDPA is not incorporated into the Consumer Protection Act. Members asked how consumers know their rights and businesses know their obligations. Mr. Towell responded that the current VCDPA work group is strategizing and working with businesses, trade groups, and consumer groups to educate the public. Mr. Towell concluded by emphasizing that the Office of the Attorney General is the only current enforcement mechanism for violations of the Act. He stated that a private right of action has been a sticking point in developing legislation at the national level. He reported the current VCDPA work group is making headway on ensuring that this initiative is properly funded.

Discussion and Public Comment

At the conclusion of presentations, the advisory committee discussed next steps. Senator Favola will give the full JCOTS Commission a report at the next meeting.

Ricardo Alfaro brought up a recent incident that occurred in a school in northern Virginia to discuss potential issues related to third parties downloading and uploading media that originated with a minor and had been removed and then re-uploaded by a third party without blurring out

¹ **Members Present:** Senator Barbara A. Favola (chair), Senator John A. Cosgrove, Jr., Delegate Hala S. Ayala, Ricardo Alfaro, Ricardo Frost

Members Absent: Senator Ghazala F. Hashmi

minors. Ownership of a downloaded or re-uploaded video containing minors could be an issue in terms of removal.

The Committee received no public comment.

For more information, see the [*Commission's website*](#) or contact the Division of Legislative Services staff:

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